

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM, §
§
Plaintiff, § CIVIL ACTION NO. 4:20-CV-00142-RWS
§
v. §
§
JOHN/JANE DOES 1-5, MIFCO, LLC, §
DIGITAL MEDIA SOLUTIONS, LLC, §
§
§
Defendants.

ORDER

The above captioned matter was previously referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 14, 2021, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's claims against Defendants MIFCO, LLC, Amir Golestan and Kristin Mehera Golestan be dismissed without prejudice for want of prosecution. Docket No. 113.

The Report was served on Plaintiff on June 30, 2021. Docket No. 114. Plaintiff's deadline to file objections to the Report was thus due on July 14, 2021. To date, the Court has not received any objections.

Because no objections to the Magistrate Judge's Report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending time to file objections

from ten to fourteen days). Nonetheless, the Court has reviewed the motion and the Magistrate Judge's Report and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants.'") (quoting *Mathews v. Weber*, 423 U.S. 261, 275 (1976)). Accordingly, the Magistrate Judge's Report and Recommendation (Docket. No. 113) is **ADOPTED** as the opinion of this Court. It is

ORDERED that Plaintiff's claims against Defendants MIFCO, LLC, Amir Golestan and Kristin Mehera Golestan shall be **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 21st day of July, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE